

C<sub>40</sub>-arylalkyl group, a C<sub>8</sub>-C<sub>40</sub>-arylalkenyl group or a C<sub>7</sub>-C<sub>40</sub>-alkylaryl group, or a pair of substituents R<sup>11</sup> and R<sup>12</sup>-- or R<sup>11</sup> and R<sup>13</sup>, in each case with the atoms connecting them, form a ring.

M<sup>2</sup> is silicon, germanium or tin.

R<sup>8</sup> and R<sup>9</sup> are identical or different and are as defined for R<sup>11</sup>

m and n are identical or different and are zero, 1 or 2, m plus n being zero, 1 or 2, the radicals R<sup>10</sup> are the same or different and are as defined for R<sup>11</sup>, R<sup>12</sup> and R<sup>13</sup>.

25. The compound as claimed in claim 1, wherein R<sup>3</sup> is a hydrogen atom, a halogen atom, a C<sub>1</sub>-C<sub>10</sub>-alkyl group which is halogenated, a C<sub>6</sub>-C<sub>10</sub>-aryl group, an -NR<sub>2</sub><sup>15</sup>, -SR<sup>15</sup>, -OSiR<sub>3</sub><sup>15</sup>, -SiR<sub>3</sub><sup>15</sup> or -PR<sub>2</sub><sup>15</sup> radical in which R<sup>15</sup> is a halogen atom, a C<sub>1</sub>-C<sub>10</sub>-alkyl group or a C<sub>6</sub>-C<sub>10</sub>-aryl group.

26. The compound as claimed in claim 1, wherein R<sup>3</sup> is a hydrogen atom, a halogen atom, a C<sub>6</sub>-C<sub>10</sub>-aryl group, an -NR<sub>2</sub><sup>15</sup>, -SR<sup>15</sup>, -OSiR<sub>3</sub><sup>15</sup>, -SiR<sub>3</sub><sup>15</sup> or -PR<sub>2</sub><sup>15</sup> radical in which R<sup>15</sup> is a halogen atom, a C<sub>1</sub>-C<sub>10</sub>-alkyl group or a C<sub>6</sub>-C<sub>10</sub>-aryl group.

### REMARKS

The applicants respectfully request reconsideration in view of the amendment and the following remarks. An amended version of the claims is attached before the remarks section and as Appendix I. A clean copy of the claims is attached as Appendix II. The terms underlined were added and the terms bracketed were canceled. The specific changes are discussed below. The applicants have amended claims 1, 7, 19, 25 and 26 as suggested by the Examiner in order to overcome the 35 U.S.C. §112, second paragraph rejections and the recapture. Specifically, in claim 1, the applicants reinserted the phrase "for preparing essentially isotactic olefin polymers". Claims

19, 25 and 26 have been rewritten as suggested by the Examiner with the bracketed portion deleted from the claims. In the definition of  $R^1$  and  $R^2$ , the applicants deleted the phrase "a  $C_6-C_{10}$ -aryl group, which is optionally halogenated" and inserted the phrase "--a  $C_6-C_{10}$ -aryl group--". The applicants also amended the definition of  $R^4$  and in the previous amendment and deleted the phrase "are identical or different and are". The applicants also deleted the phrase "rings A are saturated or aromatic, p is 8 rings A or saturated and p is 4 when rings A are aromatic." The applicants also reinserted the phrase "for preparing essentially isotactic olefin polymers" in claims 1 and 7. In order to avoid confusion between the two formula (I)s, applicants have amended claim 19 to refer to formula (I)' instead of formula (I). The applicants have deleted the bracketed terms from claims 25 and 26.

Claims 1, 19, 25 and 26 were objected to for not complying with 37 C.F.R. §1.121(b). The applicants have resubmitted the amendments as suggested by the Examiner so that the newly added claims do not contain bracketing. The terms that were previously deleted are still deleted. The applicants have corrected claim 1 with the phrase "a halogen atom" since this term was already removed during the Certificate of Correction as pointed out by the Examiner. For the above reasons, this objection should be withdrawn.

The applicants have enclosed an Assent of Assignee as requested by the Examiner.

Claims 19-24 were rejected under 35 U.S.C. §112, second paragraph. The definition of p is not contained in Formula I. The applicants have deleted the underlined variables from the claim 19 that contained the definition of p. For the above reasons, this rejection should be withdrawn.

Claims 21-24 were rejected under 35 U.S.C. §251 for lack of error in obtaining the original patent. Claims 21 and 22 are drawn to a catalyst composition. However, the applicants point out that the original claim 8, although it was drawn to a catalyst composition, the claim required a

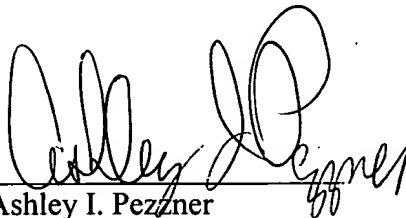
different catalyst composition than the applicants are claiming now. The original claim 8 was drawn to a catalyst system comprising the tetrahydroindenyl as claimed in the original claim 1 and a cocatalyst. The applicants claim 19 is not directed to a catalyst system containing tetrahydroindenyl compound but to a specific indenyl compound and a cocatalyst. Of course the indenyl compound is a different compound than the tetrahydroindenyl compound. formula. These metallocene yes compounds clearly do not overlap. Therefore, the applicants do not believe that this is recapture since claims 21 and 22 are different catalyst systems than were claimed in the original claim 8. The applicants respectfully request that this rejection be withdrawn.

Claims 1-16 and 19-26 were rejected under 35 U.S.C. §251 as being an improper recapture of broaden claim subject matter surrendered in the application. The applicants have reinserted feature "for preparing essentially isotactic olefin polymers" into claims 1 and 7. The applicants do not believe that it is necessary to insert this feature in claim 19, since claim 19 was never presented in the parent patent. Therefore, claim 19 is not recapturing subject matter given up. Claim 19 is directed to the intermediate indenyls which were not claimed in the original application. For the above reasons, the applicants respectfully request that this rejection be withdrawn.

No fee is due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,  
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By 

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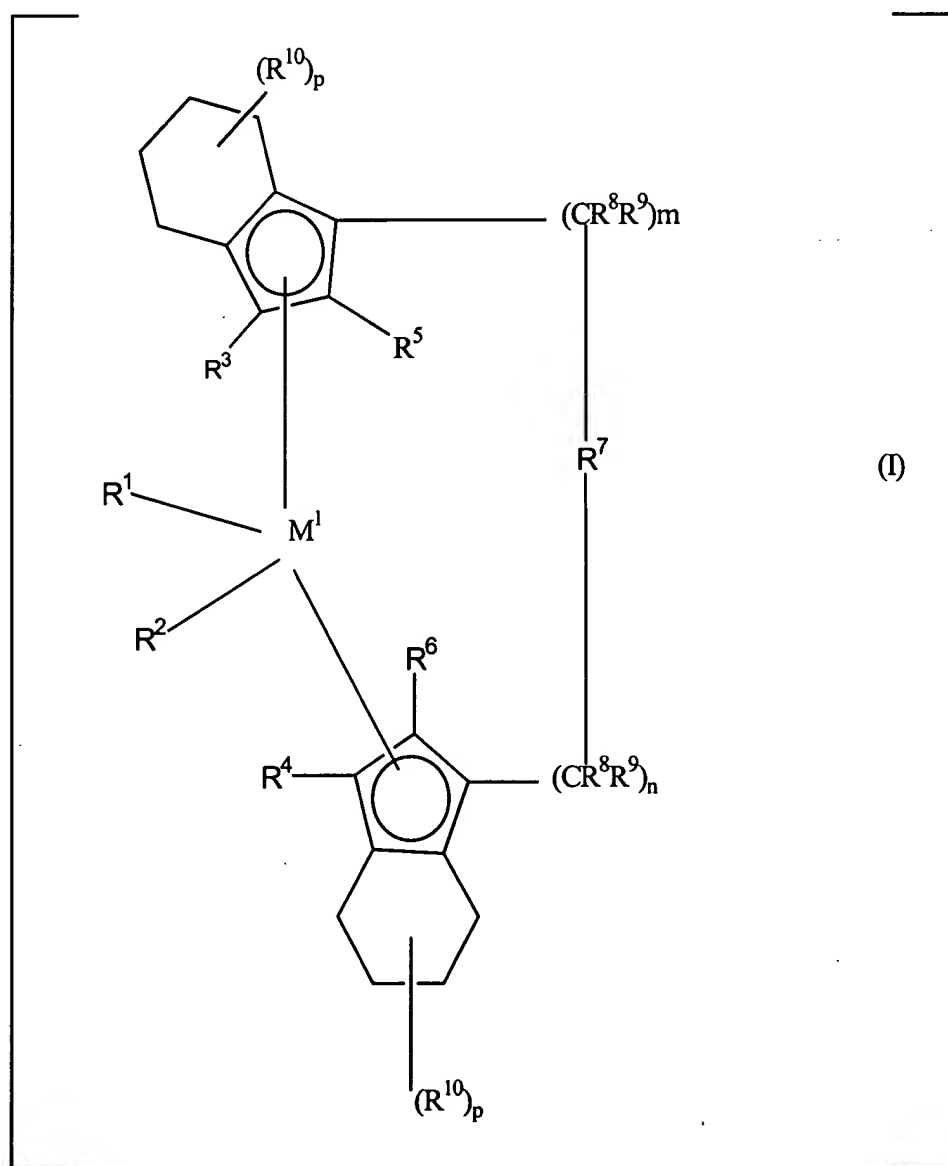
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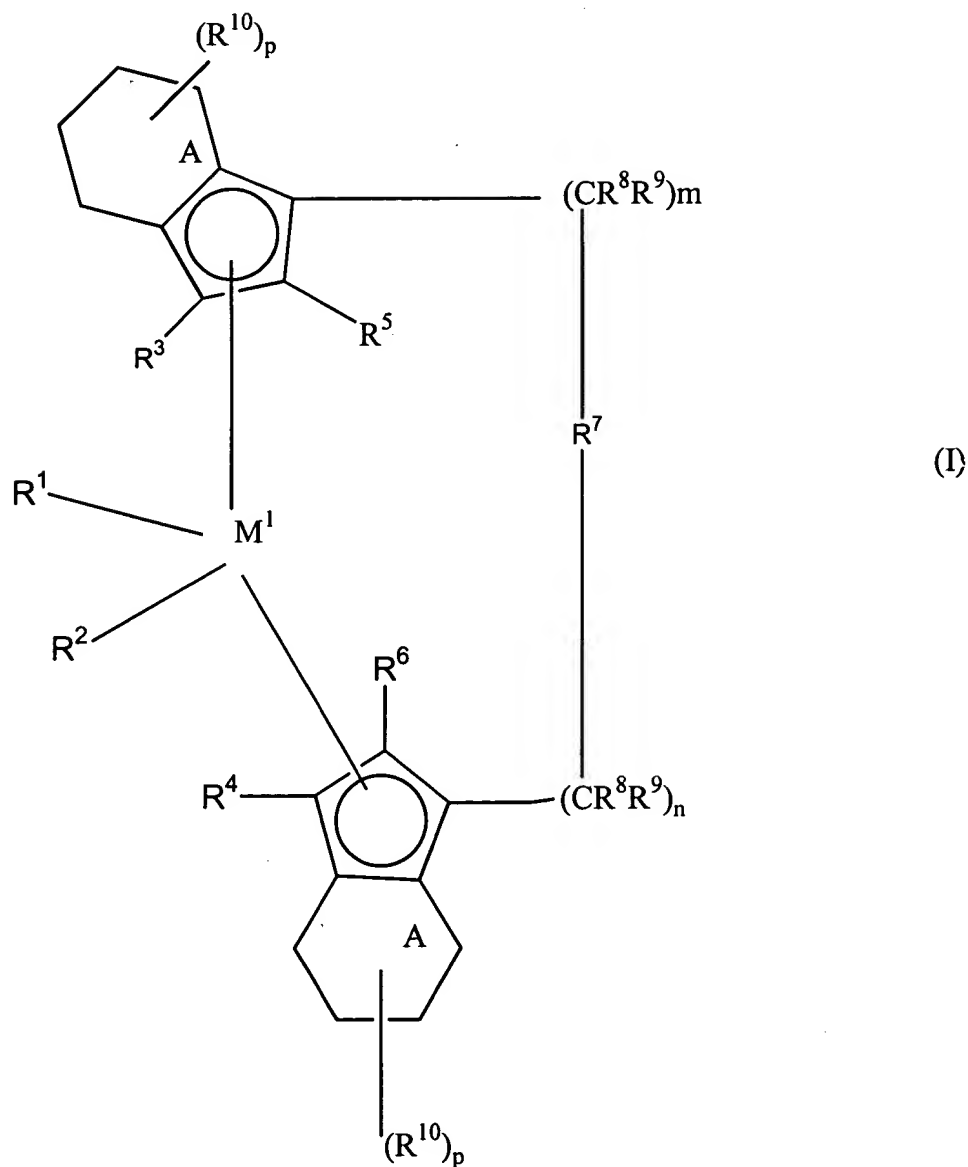
Enclosure: Assent of Assignee  
Appendix I amended version of claims  
Appendix II Clean version of claims

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APPENDIX I (amended version of the claims)

1. (Twice amended) A compound of the formula I for preparing essentially isotactic olefin polymers






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in which

$M^1$  is a metal from group IVb, Vb or VIb of the Periodic Table

$R^1$  and  $R^2$  are identical or different and are a hydrogen atom, a  $C_1$ - $C_{10}$ -alkyl group, a  $C_1$ - $C_{10}$ -alkoxy group, a  $C_6$ - $C_{10}$ -aryl group, a  $C_6$ - $C_{10}$ -aryloxy group, a  $C_2$ - $C_{10}$ -alkenyl group, a  $C_7$ - $C_{40}$ -arylalkyl group, a  $C_7$ - $C_{40}$ -alkylaryl group, a  $C_8$ - $C_{40}$ -